

	<b>LOS LUNAS POLICE DEPARTMENT</b>		
	ADMINISTRATION	NUMBER: ADM.02.01	EFFECTIVE DATE: February 17, 2010
	SUBJECT: Limits of Authority		REVIEW DATE: August 27, 2015
	AMENDS/ SUPERSEDES:		NMSA: 03-13-02
NMMLEPSC STANDARDS: ADM.02.01		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

## I. POLICY:

Department members, whether on duty or off duty, are expected to conduct themselves in accordance with statutory limits and guidelines of this manual, and in such manner as would reflect favorably upon themselves and on the Department.

## II. PURPOSE:

The questions of the authority and responsibility of Police Officers is one that must be considered in light of the following factors: whether the Officer is on duty or off duty and whether the incident takes place within the jurisdiction of the Officer's Department. The statutory provisions and the recent judicial determination have established an amorphous outline, of which Officers should be aware. In addition, Officers are expected to exercise a certain degree of discretion in their enforcement activities. Such discretion appears to run contrary to law, yet is necessary due to the limited resources available to the Police.

## III. PROCEDURE:

### A. ON DUTY AUTHORITY

1. While on duty, within the Village limits, Officers have the full authority granted peace Officers by New Mexico Statute. (refer to NMSA 3-13-2)
2. While on duty, outside Village limits, an Officer's authority is limited to actions directly related to his official duties as a Police Officer of the Village of Los Lunas.

### B. ON DUTY RESPONSIBILITY

1. Officers, while on duty within the Village limits, after consideration of the situation at hand, are expected to take all necessary steps consistent with their assignment.
  - a. To protect life and property.
  - b. To enforce the laws of the United States and the State of New Mexico, and the ordinances of the Village of Los Lunas.
  - c. To adhere to 3-13-2 NMSA 1978.

3-13-2. Police officers.

- A. The police officer of a municipality shall:
  - (1) execute and return all writs and process as directed by the municipal judge of the municipality employing the police officer;
  - (2) execute and return all criminal process as directed by the municipal judge of any incorporated municipality in the state if the criminal process arises out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs;
  - (3) serve criminal writs and process specified in Paragraphs (1) and (2) of this subsection in any part of the county wherein the municipality is situated; and
  - (4) within the municipality:
    - (a) suppress all riots, disturbances and breaches of the peace;
    - (b) apprehend all disorderly persons;
    - (c) pursue and arrest any person fleeing from justice; and
    - (d) apprehend any person in the act of violating the laws of the state or the ordinances of the municipality and bring him before competent authority for examination and trial.
- B. In the discharge of his proper duties, a police officer shall have the same powers and be subject to the same responsibilities as sheriffs in similar cases.

On duty Officers outside the City limits should avoid overzealous involvement in Police situations.

- a. If an incident arises in which the Officer reasonably believes his or another person's safety is jeopardized, he should make every effort practicable to cause appropriate action to be effected by the responsible law enforcement agency.
- b. Action, beyond notifying the appropriate agency, should be taken only after careful consideration of the tactical situation, and of possible liability for themselves and for the City.

#### **IV. OFF DUTY AUTHORITY**

- A. While off duty, within the Village limits, Officers have the same authority granted to on duty peace Officers under New Mexico Statute.
- B. Due to recent court rulings, and ambiguity within the New Mexico Statutes, off duty Officers, outside the Village limits, are advised to consider their authority to make arrests to be that afforded a private citizen.

#### **V. OFF DUTY RESPONSIBILITY**

- A. While off duty Officers observing a situation indicating a need for Police action, both inside and outside the Village limits, should give first consideration to causing the appropriate action to the effected.
  - 1. By on duty personnel (within the City limits).
  - 2. By the responsible law enforcement agency (outside the City limits).
- B. Police action by off duty personnel is discouraged, and should be taken only after careful consideration of the tactical situation, the safety of themselves and the public, and possible civil liability.

#### **VI. DISCRETION**

##### **A. GENERAL GUIDELINES**

- 1. Officers are expected to use discretion and authority only in compliance with law, in furtherance of Departmental goals and objectives, and in compliance with the Police Code of Ethics.
- 2. When confronted with situations involving traffic and ordinance violations Officers should examine all possible alternatives to arrest and confinement. This is not meant to discourage the writing of traffic citations or ordinance

citations.

**B. SPECIFIC RESPONSIBILITIES**

1. Discretion in criminal violations will be subject to approval of a supervisor.
2. Officer enforcement action, inaction, or degree of severity, must not be influenced by malice, vengeance, or prejudice based upon race, sex, ethnic background, religious belief, or political affiliation.
3. Enforcement action must not be more severe than can reasonably and objectively be justified to further Departmental goals and objectives.
4. Enforcement action or contact may not be extended unnecessarily for the purpose of delaying the release of, or inhibiting the free movement of, any person.

**VII. ALTERNATIVE TO PRE-TRIAL CONFINEMENT**

- A. Officers are reminded that bond placed upon a defendant in the vast majority of cases, is only to insure that defendant's appearance in court.